

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MR. JEREMY LEVIN, DR. LUCILLE LEVIN, and SUZELLE M. SMITH, TRUSTEE OF THE JEREMY ISADORE LEVIN 2012 REVOCABLE TRUST, AS AMENDED,

Plaintiffs,

-v-

ISLAMIC REPUBLIC OF IRAN;
IRANIAN MINISTRY OF
INFORMATION AND SECURITY; and
IRANIAN ISLAMIC
REVOLUTIONARY GUARD CORPS,

Defendants.

Case No. 1:09-cv-05900-JPO-RLE

M18-302

**ORDER DIRECTING THE CLERK
TO ISSUE WRIT OF EXECUTION
IN SATISFACTION OF 28 U.S.C.
§ 1610(c)**

Upon consideration of the Petitioners' Motion and Application pursuant to 28 U.S.C. § 1610 for an Order finding that a reasonable period of time has elapsed and directing the Clerk to issue a Writ of Execution to enforce judgments entered in favor of the Levins in the underlying matter in United States District Court for the District of Columbia and duly registered in this Court against property of the Islamic Republic of Iran, the Iranian Ministry of Information and Security, and the Iranian Islamic Revolutionary Guard Corps ("Iranian Judgment Debtors") and their agencies and instrumentalities, including but not limited to, assets, namely \$9,998,941.91 associated with the petroleum tanker Nautic (a/k/a Gulf Sky), with International Maritime Organization ("IMO") number 9150377, held by Wells Fargo Bank, N.A. ("Wells Fargo"), who maintains branches in this District, the supporting Memorandum of Law dated August 11, 2020, and the accompanying Declaration of

Suzelle Smith dated August 11, 2020 (“Smith Decl.”); the Court makes the following findings:

1. On February 6, 2008, the United States District Court for the District of Columbia entered judgments in the combined amount of \$28,807,719.00 against the Iranian Judgment Debtors in favor of Dr. Lucille Levin and the late Jeremy Levin in an action brought under 28 U.S.C. § 1605(a)(7). *Levin v. Islamic Republic of Iran*, 529 F. Supp. 2d 1, 5-13 (D.D.C. 2007). Pursuant to 28 U.S.C. § 1961, the Levins are also entitled to post judgment interest.
2. The Levins gave notice of the entry of judgment to Iranian Judgment Debtors through court and diplomatic channels on October 14, 2008, pursuant to the Foreign Sovereign Immunities Act (“FSIA”), 28 U.S.C. §1608(e). See Exhibit A to Smith Decl., Letter from William P. Fritzlen to Nancy Mayer-Whittington, dated January 16, 2009.
3. On April 20, 2009, the Levins registered their judgment in this Court, Judgment Number 09,0732, Docket Number M 18-302. See Exhibit B to Smith Decl. at Attachment A, Certification of Judgment for Registration in Another District, *Levin v. Islamic Republic of Iran*, Judgment No. 09,0732; Docket No. M18-302 (S.D.N.Y. Apr. 20, 2009). The Levins obtained a renewal of their Judgment from the SDNY Court on January 3, 2019. See Exhibit B to Smith Decl., Renewal of Judgment In A Civil Action, *Levin v. Islamic Republic of Iran*, Case No. 18-cv-11576 (S.D.N.Y. Jan. 3, 2019).
4. On July 2, 2012, Jeremy Levin assigned and transferred all of his rights and/or interests in his judgment to the Jeremy Isadore Levin 2012 Revocable

Trust. Dkt. 1298 ¶ 5.

5. Petitioners' judgments have remained partially unsatisfied and they have just recently identified assets belonging to the Iranian Judgment Debtors and their agencies and instrumentalities ("the Property"), including but not limited to assets held by Wells Fargo. *See* Exhibit C to Smith Decl.
6. Over twelve (12) years have passed between the entry of judgment against the Iranian Judgment Debtors and the giving of notice to the Iranian Judgment Debtors under 28 U.S.C. § 1608(e) and the registration of Petitioners' judgment in this District, which the Court finds is a reasonable time period before the issuance of a writ of execution under 28 U.S.C. § 1610(c); therefore:

IT IS ORDERED that, in accordance with 28 U.S.C. § 1610(c), the Court directs the Clerk of the Court to issue a Writ of Execution with respect to the Property for the Judgment registered by the Levins in this Court; and

IT IS FURTHER ORDERED that the Clerk of this Court is authorized and directed to issue such further writs in aid of execution as warranted under, and in accordance with Rule 69 of the Federal Rules of Civil Procedure consistent with this Order.

IT IS SO ORDERED.

Dated: September 15, 2020
New York, New York



J. PAUL OETKEN
United States District Judge